

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 12-110V

Filed: August 26, 2013

Not for Publication

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MUNTER ALRUBEA, \*  
Personal Representative of the Estate of \*  
ROUQAYA ALRUBEA, Deceased, \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\*

Attorneys' fees and costs decision;  
amount to which respondent does  
not object

\*\*\*\*\*

Gary A. Krochmal, Farmington Hills, MI, for petitioner.  
Tara J. Kilfoyle, Washington, DC, for respondent.

**MILLMAN, Special Master**

### **DECISION AWARDING ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On February 16, 2012, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34. After petitioner's request to dismiss during a recorded telephonic status conference on July 17, 2013, the undersigned issued a decision dismissing this case on July 19, 2013. Judgment entered pursuant to Vaccine Rule 11(a) on August 23, 2013.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

Petitioner provided respondent with a draft petition for interim attorneys' fees and costs on April 15, 2013. During informal discussions, respondent raised objections to certain items in petitioner's draft petition for interim attorneys' fees and costs. Based on these objections, petitioner amended his request for attorneys' fees and costs and filed a Petition for Interim Attorneys' Fees and Costs on April 19, 2013. Petitioner requests \$36,576.56 in attorneys' fees and costs, consisting of \$26,733.13 in attorneys' fees and \$9,843.43 in attorneys' costs. Respondent filed a Response to Petitioner's Petition for Interim Attorneys' Fees and Costs on May 3, 2013. Respondent objected to an award for interim fees and costs but did not object to the \$36,576.56 amount for attorneys' fees and costs. Respondent's objection to interim fees and costs is moot now that judgment has entered. The undersigned finds \$36,576.56 in attorneys' fees and costs to be reasonable. Accordingly, the court awards **\$36,576.56**, representing reimbursement for attorneys' fees and costs. The award shall be in the form of a check payable jointly to petitioner and the Law Offices of Gary A. Krochmal, PLLC in the amount of **\$36,576.56**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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Laura D. Millman  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party, either separately or jointly, filing a notice renouncing the right to seek review.